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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,626	11/28/2001	Daniel L. Gysling	753-001.002	5322

7590

05/21/2003

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EXAMINER

LAU, TUNG S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/996,626

Applicant(s)

GYSLING ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6 is/are rejected.
- 7) ☒ Claim(s) 2 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Baumoel (U.S. Patent 5,453,944).

Regarding claim 1:

Baumoel discloses a method for determining component flow rates of a multiphase fluid in a conduit, the fluid consisting of at least three known components (Col. 3, Lines 4-13, Col. 15, Lines 22-43), the method comprising the steps of a) measuring at each of two different positions along the conduit at least four mixture quantities (Col. 15, Lines 22-43, Col. 16, Lines 47-60); b) providing a speed of sound in each of the components at the measured pressures and temperatures (Col. 15, Lines 1-21, Col. 16-17, Lines 61-30, (Col. 3, Lines 4-35); c) providing a trial value for each of either the component flow rates or the phase fractions (Col. 5, Lines 34-53); d) using a predetermined model to calculate values for the measured mixture quantities based on the trial values for each of either the component flow rates or the phase fractions (Col. 5-6, Lines 54-33); e) using a predetermined error function to determine an error value (Col. 13, Lines 7-20, Col. 27-28, Lines 50-10); and f) using a

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predetermined optimizing algorithm to determine whether the calculated values are acceptable (Col. 13, Lines 27-59) , and if they are not, to provide a new trial value for each of either the component flow rates or the phase fractions (Col. 13, Lines 47-59).

Regarding claim 4:

Baumoel discloses an apparatus for determining component flow rates of a multiphase fluid in a conduit, the fluid consisting of at least three known components, the apparatus comprising a) means for measuring at each of two different positions along the conduit at least four mixture quantities (Col. 3, Lines 4-20, Col. 15, Lines 23-47, Col. 16, Lines 47-60) ; b) means for providing a speed of sound in each of the components at the measured pressures and temperatures (Col. 15, Lines 1-21, Col. 5, Lines 10-33, Col. 16, Lines 47-60 ) ; c) means for providing a trial value for each of either the component flow rates or the phase fractions (Col. 13, Lines 27-46); d) means for using a predetermined model to calculate values for the measured mixture quantities based on the trial values for each of either the component flow rates or the phase fractions (Col. 5, Lines 10-33) ; e) means for using a predetermined error function to determine an error value (Col. 13, Lines 7-20, Col. 27-28, Lines 50-10); and f) means for using a predetermined optimizing algorithm to determine whether the calculated values are acceptable (Col. 13, Lines 27-59), and, if they are not, to provide a new trial value for each of either the component flow rates or the phase fractions (Col. 13, Lines 47-59).

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Regarding claims 3 and 6 :

Baumoel discloses a method wherein the four mixture quantities are the sound speed, the flow velocity (Col. 7, Lines 34-35) of the multiphase fluid, the pressure and the temperature (Col. 3, Lines 4-20, Col. 15, Lines 23-47, Col. 16, Lines 47-60).

### ***Claim Objections***

2. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the sum of square of the difference between the measured and calculated values at each point.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703)

872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

May 16, 2003

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800